

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

JAMES L. DEAN,	)	4:09CV3144
Plaintiff,	)	
v.	)	
RICHARD T. SMITH, et al.,	)	
Defendants.	)	
LOIS P. WHITE, as Personal	)	4:09CV3145
Representative of the Estate of	)	
Joseph White, deceased,	)	
Plaintiff,	)	
v.	)	
COUNTY OF GAGE, NEBRASKA, et al.,	)	
Defendants.	)	
KATHLEEN A. GONZALEZ,	)	4:09CV3146
Plaintiff,	)	
v.	)	
RICHARD T. SMITH, et al.,	)	
Defendants.	)	
THOMAS W. WINSLOW,	)	4:09CV3147
Plaintiff,	)	
v.	)	
RICHARD T. SMITH, et al.,	)	
Defendants.	)	
ADA JOANN TAYLOR,	)	4:09CV3148
Plaintiff,	)	
v.	)	
RICHARD T. SMITH, et al.,	)	
Defendants.	)	
DEBRA SHELDEN,	)	4:11CV3099
Plaintiff,	)	
v.	)	
COUNTY OF GAGE, NEBRASKA, et al.,	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

The plaintiffs in these consolidated cases have filed a motion for leave to disclose an additional expert witness (Filing No. [470](#) in lead case). The plaintiffs state that during the first trial of this matter, the defendant Wayne Price, who was not disclosed as an expert witness, testified that false memories can be implanted only with “long-term, long sessions over a long period of time,” and that the plaintiffs “need to present testimony from an expert witness who has conducted significant research in the specific area of memory” in order to rebut such testimony.

The testimony to which the plaintiffs take exception was elicited from Dr. Price on direct examination by Herb Friedman, who is counsel for James Dean, one of the plaintiffs. *See* Trial Transcript, p. 1479 (Filing No. [423](#) in lead case, at CM/ECF p. 224). Because the plaintiffs have failed to demonstrate the need for a rebuttal expert in the upcoming trial, their motion will be denied.

IT IS ORDERED that the plaintiffs’ motion for leave to disclose an additional expert witness (Filing No. [470](#) in lead case) is denied.

February 8, 2016.

BY THE COURT:

s/ *Richard G. Kopf*  
Senior United States District Judge